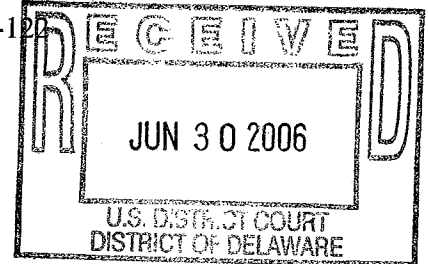


IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE MATERIAL WITNESSES :  
ROBERTO DAMASING, PAUL TUDOR, :  
PASCUAL CONGE AND :  
BRYAN ESPINA. :

Case No. 1:06-mc-122



**STIPULATED ORDER**

The undersigned targets, witnesses and the United States, through their respective counsel, hereby stipulate and seek Court approval of the following:

1. Roberto Damasing, Paul Tudor, Pascual Conge, Bryan Espina, Gilbert Amaguin, Edgar Villano and Mario Manzanillo (the "Witnesses") shall submit voluntarily to depositions pursuant to Federal Rule of Criminal Procedure 15.
2. The Witnesses agree to submit to the depositions without the need to be arrested as material witnesses, and the United States agrees not to arrest Witnesses as material witnesses, pursuant to 18 U.S.C. § 3144.
3. The depositions shall be conducted at the United States Attorney's Office for the District of Delaware, or at another location agreed to by the parties hereto. Counsel for the Witnesses shall make them available for meeting with the United States upon a one day notice, subject to the reasonable availability of the Witnesses and their counsel.
4. Immediately upon the return of an indictment, the United States shall file a motion with the Court to order expedited depositions be taken in accordance with Federal Rule of Criminal Procedure 15. The filing of said motion, or the failure of the United States to seek an indictment, will not postpone the depositions, which shall begin on July 13, 2006, at or about

1:00 p.m. or as close to immediately following the arraignment of any parties indicted in connection with the United States' investigation of the M/V IRENE E.M.

5. The depositions shall be conducted each business day, beginning on July 13, 2006, until each Witness has been deposed.

6. The United States, Witnesses and targets agree that the depositions shall be transcribed and videotaped at the expense of the United States.

7. For the depositions of all Witnesses with the exception of Paul Tudor, the United States shall provide two (2) Romanian interpreters and one (1) Tagalog interpreter for each deposition. For the deposition of Paul Tudor, the United States shall provide three (3) Romanian interpreters.

8. All objections at the depositions are preserved unless otherwise agreed to by all of the parties at the depositions.

9. The United States shall bring to the depositions each of the Witnesses' passports and all other documents, as well as any personal property, if any, seized from them, and it shall provide all travel documents necessary for the Witnesses to return to their respective homelands, with the exception of paid airline tickets and other transportation expenses, which shall be borne by the owner and/or operator of the M/V IRENE, E.M.

10. Immediately upon the completion of a Witness' deposition, that Witness shall be free to leave the United States and the United States Department of Justice shall not interfere with the travel arrangements of any Witness.

11. Pursuant to the Court's instruction, upon the expiration of the Agreement on Security entered into by the United States and the owner and operator of the M/V IRENE E.M., which expiration is to occur on July 15, 2006, the United States shall assume the housing

obligations for the Witnesses, as well as provide the Witnesses with meal allowances and all other obligations, including but not limited to paying material witness fees to the Witnesses, until each Witness has completed his deposition and left the United States. The United States further agrees that such housing and meal obligations will not be provided through a correctional facility, but rather will be provided by private entities such as hotels and restaurants.

12. Prior to July 13, 2006, the United States shall provide to each Witness a letter advising each of their homeland immigration departments that: (a) the Witness was detained in the United States pursuant to a criminal investigation; and (b) the Witness was assisting the United States in that criminal investigation.

13. The United States shall produce, on a rolling basis by overnight, express mail beginning on July 3, 2006 and completed no later than July 6, 2006, all discoverable material in its possession to counsel for the targets. The material provided to the targets shall be used only for this case and returned to the United States at the conclusion of the case. Large log books and physical evidence not suitable for copying will be made available by no later than July 5, 2006 at the office of the United States Attorney for the District of Delaware.

14. By June 29, 2006, the United States shall submit to the Court a motion seeking the disclosure to counsel for the targets all material pursuant to Federal Rule of Criminal Procedure 6(e) (the "6(e) Material"). The United States shall produce the 6(e) Material to counsel for the targets by no later than July 5, 2006. Prior to the depositions, the United States shall make available to the Witnesses, for their review with counsel and an interpreter, the 6(e) Material.

15. Should the United States fail to produce all discoverable material in their possession, including but not limited to the 6(e) Material, within the time periods set forth herein, the parties reserve their right to move for a continuance of the depositions.

16. Should the depositions be continued for any reason, the Witnesses reserve their right to seek from the Court their immediate release from the United States, and the United States reserves the right to immediately seek to depose Witnesses pursuant to Federal Rule of Criminal Procedure 15.

17. The United States is entitled to reciprocal discovery from the targets of documents and material not in its possession, which material shall be produced to the United States no later than July 10, 2006.

18. The parties hereto agree that this Stipulated Order may be executed either in counterparts or they authorize the filing of this document with the Court electronically and hereby permit counsel for the Witnesses to do so on their behalf.

/s/ Mark Kotila

Mark Kotila  
Jeffrey L. Phillips  
United States Department of Justice  
Environmental Crimes Section  
Box 23985  
Washington, D.C. 20026-3985

Attorneys for the United States  
of America

/s/ Richard M. Donaldson

Richard M. Donaldson (DE # 4367)  
Michael K. Twersky (admitted to practice in  
PA and NJ)  
Montgomery, McCracken, Walker & P.O.  
Rhoads, LLP  
300 Delaware Avenue, Suite 750  
Wilmington, DE 19801

Attorneys for Roberto Damasing,  
Paul Tudor, Pascual Conge, Bryan  
Espina, Gilbert Amaguin, Edgar  
Villano and Mario Manzanillo

/s/ George Chalos

George Chalos  
Fowler, Rodriguez & Chalos  
366 Main Street  
Port Washington, NY 11050

Attorney for Venetico Marine S.A.  
and Chian Spirit Maritime

/s/ Carl Woodward

Carl Woodward  
Carella, Byrne, Bain, Gilfillan, Cecchi,  
Stewart & Olstein  
Five Becker Farm Road  
Roseland, New Jersey 07068-1739

Attorney for Adrian Dragomir

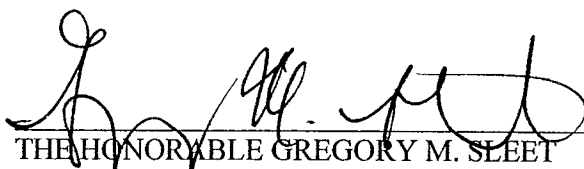
/s/ Bruce Pasfield

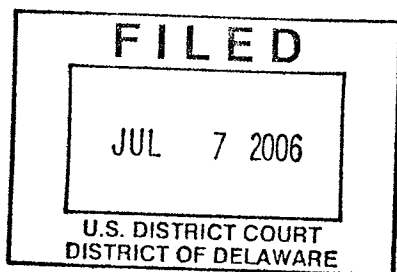
Bruce Pasfield  
Jocelyn Steiner  
Alston & Bird, LLP  
The Atlantic Building  
950 F Street, N.W.  
Washington, DC 20004-1404

Attorneys for Grigore Manolache

**SO ORDERED BY THE COURT:**

*July*  
Dated: ~~June~~ 7, 2006

  
\_\_\_\_\_  
THE HONORABLE GREGORY M. SLEET  
UNITED STATES DISTRICT JUDGE



## Other Orders/Judgments

1:06-mc-00122-GMS In re: Material Witnesses Roberto Damasing, et al.

U.S. District Court

District of Delaware

**SEALED**

### Notice of Electronic Filing

The following transaction was received from asw, entered on 7/7/2006 at 2:36 PM EDT and filed on 7/7/2006

**Case Name:** In re: Material Witnesses Roberto Damasing, et al.

**Case Number:** 1:06-mc-122

**Filer:**

**Document Number:** 9

### Docket Text:

SO ORDERED, re [8] Proposed Order filed by Roberto Damasing, Paul Tudor, Pascual Conge, Bryan Espina . Signed by Judge Gregory M. Sleet on 7/7/06. (asw )

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1079733196 [Date=7/7/2006] [FileNumber=240504-0]  
[930e56f647856bc331245f849265d5dc09a9c89545af8c119f02ce9060e5610f2e31c  
c2b0b27edb6694362b40b795e091e7377fe09d3f09455d64d586a85afe3]]

**1:06-mc-122 Notice will be electronically mailed to:**

Richard Montgomery Donaldson rdonaldson@mmwr.com,

**1:06-mc-122 Notice will be delivered by other means to:**

06-MC-122 GMS

Michael K. Twersky, Esq.  
Montgomery, McCracken, Walker & Rhoads, LLP  
123 South Broad Street  
Philadelphia, PA 19109